

AN ORDINANCE

BY COUNCILMAN JIM MADDOX

C. T. Marlin
H. L. Wells
Atlanta Archibut

AN ORDINANCE TO AMEND SECTION 146-53(g) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA SO AS TO REQUIRE APPLICANTS FOR ENTERPRISE ZONE DESIGNATION TO COMMIT TO ABIDE BY AND COMPLY WITH THE CITY'S EQUAL BUSINESS OPPORTUNITY ORDINANCE (CITY CODE SECTION 2-1441 ET SEQ.) IN THE SELECTION OF CONTRACTORS FOR THE DEVELOPMENT AND CONSTRUCTION OF THE PROPOSED PROJECT; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the creation of Urban Enterprise Zones allows for the abatement of property taxes for a period of ten years for residential and commercial zones and for a period of twenty-five years for industrial zones; and

WHEREAS, such property tax abatement results in a significant financial benefit and cost savings to the developer for which an enterprise zone is created; and

WHEREAS, in return for the receipt of such a significant financial benefit from the City, developers should commit to provide business and contracting opportunities to Minority and Female Business Enterprises.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: Section 146-53 (g) of the Code of Ordinances of the City of Atlanta, Georgia is hereby amended by re-designating subsections (g) (18), (19) and (20), as subsections (g) (19), (20) and (21) respectively, and by creating a new subsection (g) (18) which shall provide as follows:

- (g) (18) **Applicant shall commit to abide by and comply with the City's Equal Business Opportunity Ordinance (City Code Section 2-1441 et seq.) . The failure of an applicant to adhere to such commitment, shall subject the applicant to the temporary suspension of the ad valorem tax abatement in accordance with subsection (l) of this division.**

Section 2: All ordinances or parts of ordinances in conflict herewith re hereby repealed.

CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2004-14, enacted April 28, 2004. (Supplement No. 27) \ PART II CODE OF ORDINANCES—GENERAL ORDINANCES \ Chapter 146 TAXATION* \ ARTICLE II. AD VALOREM TAXES* \ DIVISION 2. URBAN ENTERPRISE ZONES*

Sec. 146-53. Local procedures for designating enterprise zones.

CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2004-14, enacted April 28, 2004. (Supplement No. 27) \ PART II CODE OF ORDINANCES—GENERAL ORDINANCES \ Chapter 146 TAXATION* \ ARTICLE II. AD VALOREM TAXES* \ DIVISION 2. URBAN ENTERPRISE ZONES* \ Sec. 146-53. Local procedures for designating enterprise zones.

- (a) The administration and evaluation of enterprise zones shall be the responsibility of the department of planning, development and neighborhood conservation. The commissioner of planning, development and neighborhood conservation (referred to in this section as "the commissioner") shall receive, review and make written recommendations on each proposed enterprise zone.
- (b) All applicants for enterprise zones shall submit applications to the commissioner of planning, development and neighborhood conservation on forms prescribed and promulgated by the commissioner of planning, development and neighborhood conservation or the commissioner's designee. The commissioner of planning, development and neighborhood conservation may establish additional procedural requirements for the purpose of carrying out the intent of this division.
- (c) On the basis of such information, the department of planning, development and neighborhood conservation shall evaluate the application with respect to the requirements of this division and shall prepare a report on the results of said evaluation. The report shall include a statement from the chief financial officer assessing the fiscal impact of the proposed tax abatements, including estimates of anticipated increases in the tax digest due to the proposed development, and anticipated losses, due to abated taxes on land and improvements, for each year of the tax abatement period.
- (d) Each year, within 30 days after receipt of the previous year's tax digest from the Fulton County Tax Commissioner, the chief financial officer shall recommend a limit on the total amount of tax abatements associated with urban enterprise zones, for approval by the mayor and council through an appropriate resolution. For each urban enterprise zone application to be considered by the mayor and council following the approval of such a resolution, the chief financial officer shall determine whether creation of the proposed urban enterprise zone would cause the total amount of tax abatements associated with urban enterprise zones to exceed said limit.
- (e) There shall be no restrictions on the number of enterprise zone applications any one developer may submit during any one calendar year.
- (f) An enterprise zone application may be filed with the commissioner of planning, development and neighborhood conservation at any point during the calendar year. However, any application for an enterprise zone which is requested to be created as of January 1 of the following year shall be submitted to the commissioner of planning, development and neighborhood conservation by June 30 to be considered for introduction in the council no later than August 31 of the current year. Any ordinance to

create an enterprise zone shall contain, in the form of an attached exhibit, a statement signed by the commissioner of planning, development and neighborhood conservation certifying that the commissioner has received a complete application for the creation of the enterprise zone in accordance with the requirements of this subsection.

- (g) All enterprise zone applications filed with the commissioner of planning, development and neighborhood conservation shall contain, at a minimum, the following information:
- (1) Name and mailing address of applicant.
 - (2) Street address of property.
 - (3) Legal description and survey plat of the property.
 - (4) Justification for creating or expanding zone based on "purpose" section of ordinance.
 - (5) Applicant's background and development/building experience.
 - (6) Financial ability to execute project.
 - (7) Site plan of proposed development; in case of areawide housing enterprise zones, the site plan of proposed development shall indicate that 50 percent or more of the land area in the proposed zone is committed to specific development projects.
 - (8) A set of preliminary architectural drawings, including but not limited to typical elevations, cross sections and identification of materials to be used.
 - (9) A construction schedule, including development phases, if any, and a statement from two or more lending institutions verifying the applicant's readiness to begin construction of 30 percent or more of the units to be developed during the first year of the development zone designation.
 - (10) On-site and off-site capital facilities required to support the project and sources of revenue for any such improvements.
 - (11) Extraordinary requirements for city services if any.
 - (12) Cost of land acquisition, if any, and sources of revenue.
 - (13) Sales price of all land and individual parcels.
 - (14) Estimate of investment, type of investment and phasing of investments.
 - (15) Statement of relation to current comprehensive development plan and zoning district classification.
 - (16) Statement of any federal, state or local government funds committed to the project.
 - (17) Statement from two or more lending institutions verifying that the tax abatement is necessary to the economic feasibility of the proposed development.
 - (18) For housing enterprise zones, the application shall also include, but not be limited to, the following information:
 - a. Type of housing (single-family, multifamily, condominium, fee simple, etc.).
 - b. Number of units to be constructed and/or renovated.

- c. Size of units.
 - d. Number of bedrooms per unit type.
 - e. Income range to be served.
 - f. Number of rental units and number of for sale units.
 - g. Sales price range and rental rate range.
 - h. Statement regarding neighborhood impact, including direct displacement of households within the zone and likelihood of future displacement of households in the immediate vicinity of the zone.
- (19) For commercial and industrial enterprise zones, the application shall also include, but not be limited to, the following information:
- a. Total square footage of proposed development;
 - b. Proposed tenant mix;
 - c. The names of any businesses which contemplate relocation into the zone, if created;
 - d. Employment forecasts for proposed development;
 - e. Number and types of jobs available on the site;
 - f. Pay ranges of number and types of jobs available on the site;
 - g. Provisions for targeting of jobs to local city and county residents;
 - h. Letters of commitment from businesses contemplating relocation into the zone or expanding within the zone to hire low-income residents to fill job vacancies;
 - i. Estimates of tax revenue from non-freeport-eligible inventory of businesses to be located in the zone;
 - j. Letter of commitment from businesses to create new jobs within one year after opening of the business in the zone; and
 - k. Letters from two lending institutions regarding economic necessity for zone designation.
- (20) A provision requiring the applicant to swear under oath and be signed by a notary, that all information is true and correct. The failure of an applicant to truthfully respond to any portion of the application shall subject the applicant to the temporary suspension of the ad valorem tax abatement in accordance with subsection (1) of this division.

CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2004-14, enacted April 28, 2004. (Supplement No. 27) \ PART II CODE OF ORDINANCES—GENERAL ORDINANCES \ Chapter 146 TAXATION* \ ARTICLE II. AD VALOREM TAXES* \ DIVISION 2. URBAN ENTERPRISE ZONES* \ Sec. 146-53. Local procedures for designating enterprise zones.

- (l) Failure of an applicant or successor property owner(s) to comply with the requirements of this division may result in a temporary suspension of the ad valorem tax abatement on the property or properties owned by the applicant or successor property owner. After notice, hearing and establishing a finding of fact of failure to comply, the council shall have the authority, by ordinance, to impose such sanctions against the applicant or successor property owner for each year of noncompliance. The suspension shall remain in effect until the noncompliance is remedied to the city's satisfaction and the applicant or successor property owner is reinstated in the zone by ordinance of the council and declared eligible to receive the remaining years benefits for the enterprise zone in which the property is situated. The suspension of tax abatement benefits on one or more properties shall not be construed as an action by the council to alter the size of an enterprise zone or the schedule of abatements for a zone.